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# A DISSERTATION

ON THE

Degrees of Kinship which Bar Marriage.

ACCORDING TO

LEVITICUS XVIII. AND XX.

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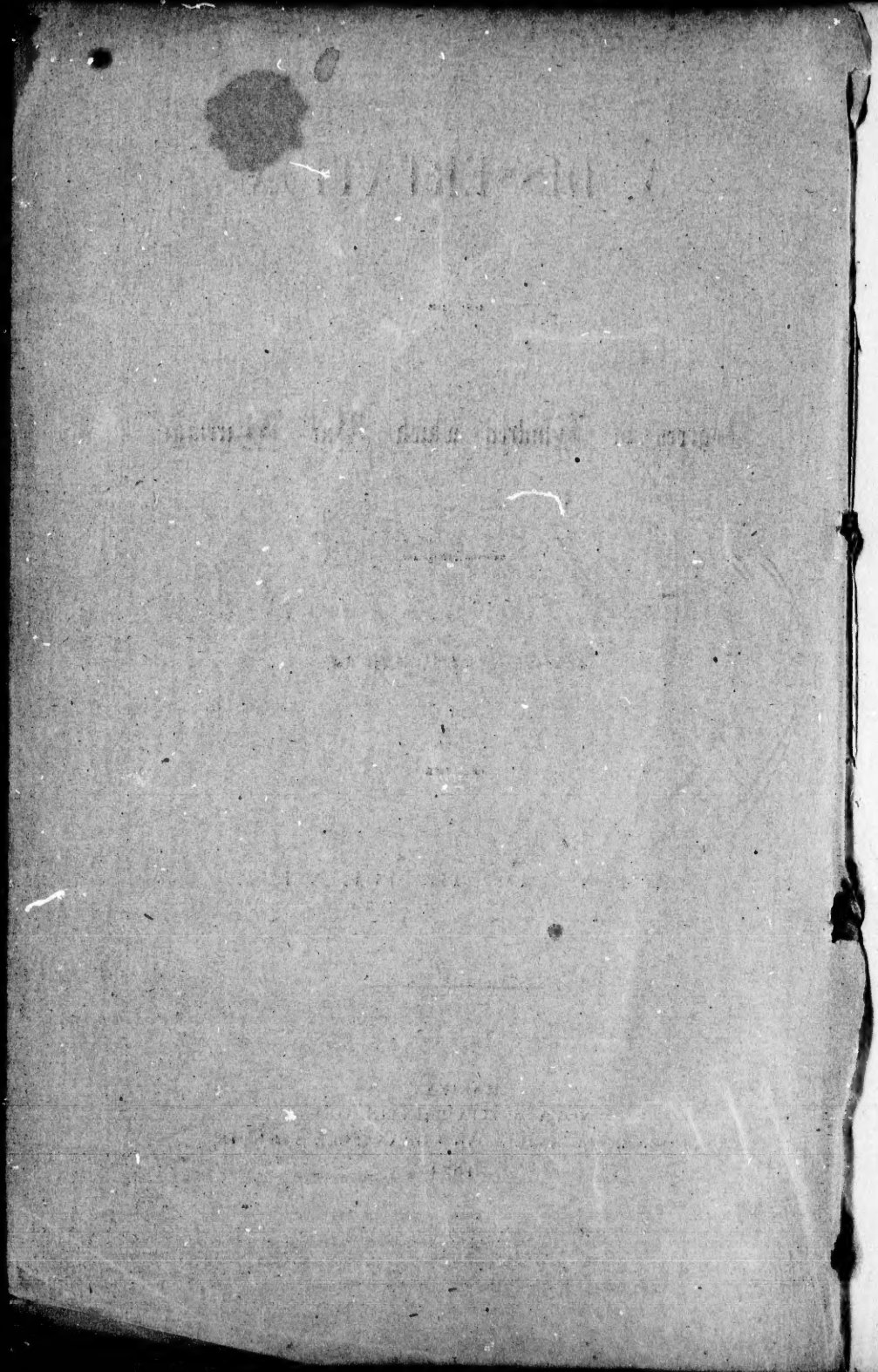
REV. D. B. BLAIR.

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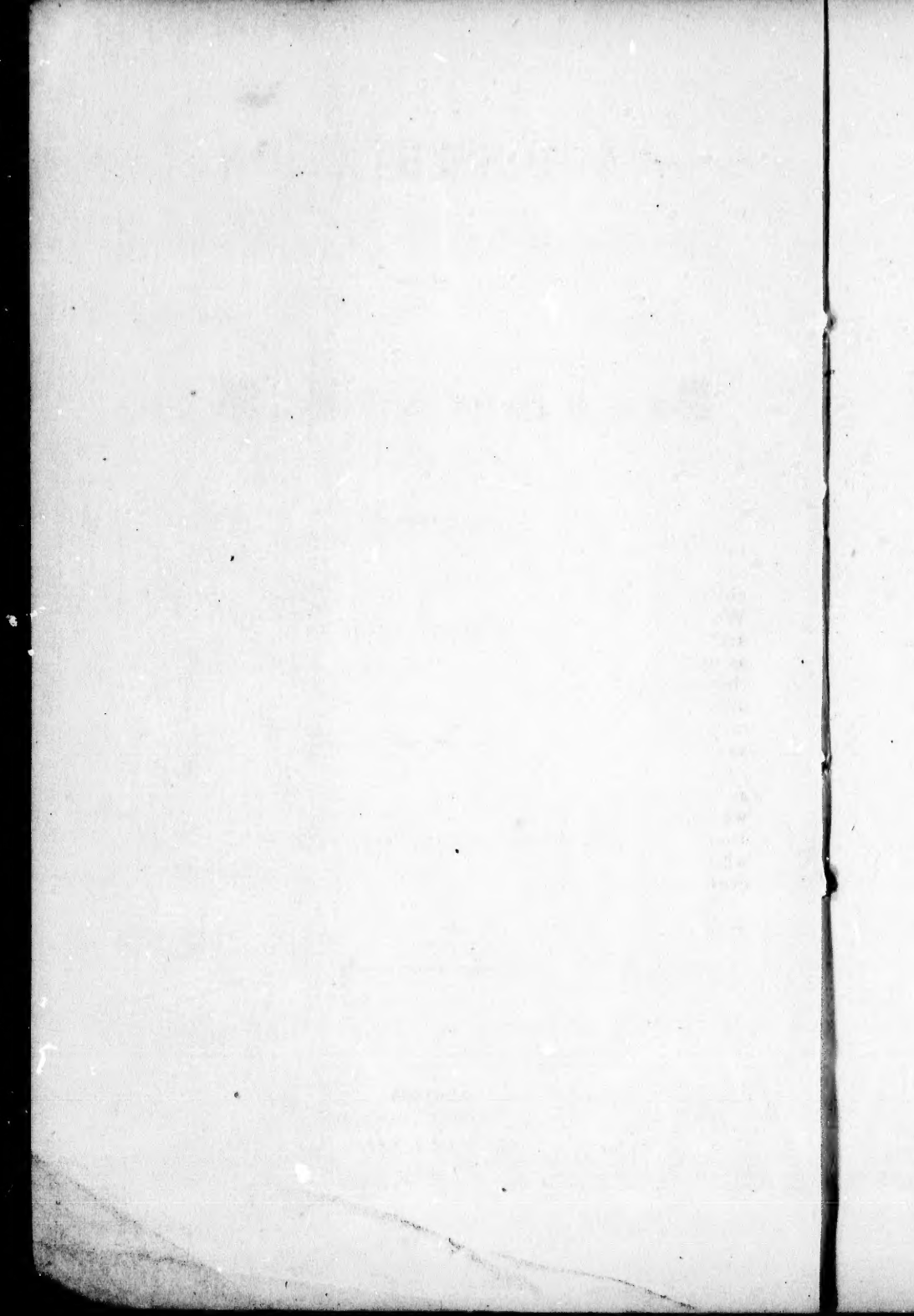
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1873,

# A DISSERTATION

BY

JOHN H. BROWN

OF

THE UNIVERSITY OF CHICAGO

IN

PHILOSOPHY

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## CHAPTER I.

### THE EXISTENCE OF THE LAW.

In our inquiries regarding the degrees of kindred which are a bar to marriage the first question which presents itself is, whether we have a scriptural law on the subject which points out the limits of relationship within which marriage is prohibited. This leads us at once to the 18th Chapter of Leviticus, and the question arises, How are the prohibitions therein contained to be regarded by us? Are they still binding on us as a law? Or were they designed only for the children of Israel as a part of the ceremonial Dispensation? We maintain the first of these alternatives and hold that they are laws of universal obligation, binding on Gentiles as well as upon Jews, and as much in force under the Christian as they were under the Mosaic Economy. They are not peculiarities of the law of Moses, any more than the ten commandments. They are a scholium or an appendix attached to the seventh commandment, an inspired commentary upon it regulating the ordinance of marriage, and prescribing to men, as rational beings subject to moral law, the limits within, which the ordinance must be observed, so as to distinguish them from the inferior animals, the beasts of the field, which live on earth for a few years and then perish for ever.

The laws which God delivered to Moses on Mount Sinai are commonly divided into three classes. 1. The Moral. 2. The Ceremonial, and 3, the Judicial or Forensic Law. The first, or Moral Law, is of universal and perpetual obligation, binding on mankind in all ages; the two latter are of limited and temporary use, binding only upon the Jewish nation during the continuance of the Levitical Dispensation. They are to be considered as appendices to the Moral Law; the Ceremonial Law being an appendix to the first table of the law, and "given to the people of Israel as a church under age," as ordinances to be observed in the worship of God;

and the Judicial or Forensic Law being an appendix to the second table, and given to them "as a body politic" in their national capacity, as institutions prescribed to them by God for their civil government. The Ceremonial Law, being chiefly designed to prefigure Christ as the coming Redeemer, is now entirely abrogated under the Christian Dispensation; and the Judicial Law having reference to the Jews as a separate nation in as far as the Jewish polity was a peculiar institution, has been also abolished; but as far as it contains any statute founded in the law of nature common to all nations it is still binding on us. Now the laws which regulate the intercourse of the sexes belong to the second table, and so have nothing to do with the Ceremonial Law, which was founded upon the first, and is now disannulled. And though the Judicial Law is likewise abolished so far as it was an institution peculiar to the Jewish people, yet what is moral in it, and of universal obligation is still binding on us, because it is founded in the law of nature common to all men. The laws which prohibit intercourse between the sexes, on the ground of too near relationship, are of this character, because they involve the most essential principles of morality. There is nothing in them peculiar to the Jews, no more than to any other people. And though they are embodied in the Mosaic Code of laws, just as the ten commandments are, yet they are no more peculiar to the Jewish polity than the Decalogue. If it be maintained that the 18th and 20th Chapters of Leviticus are abrogated, it may as well be asserted, and with equal propriety, that the 20th Chapter of Exodus is abolished also. The laws in the one place belong to universal morality as well as the laws in the other; and if you say that the one class of laws is repealed, by what arguments can you prove that the other is still in force? The Apostle Paul's reasoning in Romans X. 5, and Galatians III. 12, shows that they are still binding; for he says of the law as a covenant of works with the promise of life attached to it, "The man that doeth these things shall live by them." But where does he find this fundamental principle which expresses the substance and condition of the Covenant of Works? Nowhere else within the compass of the Pentateuch, except in the introduction to this very law of incest, so fully and circumstantially laid down in the 18th Chapter of Leviticus, "*Ye shall keep my statutes and my judgment; which if a man do he shall live in them.*" I am Jehovah. None of you shall approach to any that is near of kin to him to uncover their nakedness."

That this law could not have been designed only for the

Jews will still further appear when we consider that it is expressly declared to have been binding on other nations, and so binding even before the Israelites ever existed in their national capacity. The children of Israel are admonished not to copy after the example of the Egyptians or the Canaanites; then follows a list of prohibitions with regard to the intercourse of the sexes; then the Canaanites are said to have defiled themselves in every one of the things against which he is warning the Israelites, and their land was defiled in consequence by their impurities so that it spued them out at last. It was on account of their guilt in these respects that they were punished by the avenging hand of God. They were exterminated as a moral nuisance by the express appointment of Jehovah; and the Israelites are warned to take heed lest a similar doom shall befall them if they also happen to defile themselves in any of these things. But the Canaanites *never were* under the law of Moses; therefore they could not possibly defile themselves by transgressing any of the laws peculiar to that institution. Nay more they were guilty of those crimes for hundreds of years before Moses was born; and the inhabitants of Sodom and Gomorrah, with the adjacent cities on the plains of Jordan were destroyed by fire and brimstone from heaven for doing the very things which are here forbidden. This proves that these laws were binding on them as well as on other nations, because they are moral in their nature, and of permanent and universal obligation. They were binding *on them* by the law of nature, and *on the Jews* by positive enactment. They were not, however, peculiar to the Jewish economy; and though they were incorporated among the laws of Moses, this does not at all annihilate their obligation in regard to us.

There are two cases mentioned in the New Testament which prove that the laws concerning relationship by affinity as a bar to marriage are still binding upon the church under the Gospel Dispensation. The first is the case of Herod and Herodias. John the Baptist rebuked Herod on account of Herodias, and said unto him, "It is not lawful for thee to have thy brother's wife." Mark VI. 18. On what ground was this considered to be unlawful? Evidently on the ground of the prohibition contained in the 18th Chapter of Leviticus. It is objected that the reason of the unlawfulness was the fact that the first husband was still in life, for Josephus says that Philip was yet alive when Herodias left him. But Josephus also informs us that Herodias had resolved upon confounding the institutions of her forefathers,

(*ta patria*), the laws of her country, in forsaking Philip and marrying Herod Antipas. Now what laws of her country, what customs of her forefathers did Herodias violate? Was it the law against adultery? But that law existed in all countries as well as in Judea. In that respect she violated the Roman as well as the Jewish law. What custom then did Herodias confound? What law did she violate? Was it the law of Divorce? But there was no law in existence among the Jews forbidding women to divorce their husbands; it allowed men to divorce their wives, but said nothing about wives divorcing their husbands. On this subject the law was silent; therefore Herodias could not break a law which had no existence. But there was a law prohibiting a woman from marrying two brothers at the same time, or in succession. This law Herodias determined to violate and did actually violate in marrying Herod. That this was the law which Josephus had in his eye is evident from his own words in his *Antiquities*, Book XVII., chapter 13, §. 1, in reference to Archelaus, another son of Herod the Great. "Moreover he transgressed the law of our fathers, and married Glaphyra, the daughter of Archelaus (King of Cappadocia), who had been the wife of his brother Alexander, which Alexander had three children by her, while it was a thing detestable among the Jews to marry the brother's wife." ("Spanheim observes here that it was forbidden the Jews to marry their brother's wife when she had children by the first husband; and that Zenoras interprets the clause before us accordingly.") The only case in which it was allowed, or rather commanded, a brother to marry the wife of his deceased brother, was when the first brother died without leaving children. But Josephus is very careful to show that this necessity did not exist in the case of Archelaus, for he says that Glaphyra had three children by Alexander; and he shews that Herodias also had a daughter called Salome by her husband Philip before she left him and married Herod Antipas. Besides he proves that the Jews considered it a detestable thing for a man to marry a woman who had been the wife of his deceased brother, for Alexander was dead when Archelaus married Glaphyra his wife. She is still called the wife of the deceased brother, though now in a state of widowhood. The relation to her brother-in-law stands unchanged notwithstanding the death of her husband. Therefore the law which was violated by Herod and Herodias was that which prohibited a man from marrying his brother's wife. This was clearly the opinion of Josephus. It is also remarkable that the three Evangelists who relate the circum-

stance always make mention of Herodias as the wife of Philip, Herod's brother. The relation of the first to the second husband is prominently held forth in all the accounts of the affair. It is the most aggravating feature of the sin, and it is always mentioned as the principal reason of the reproof of John the Baptist. It was not a case of simple adultery only, but it was adultery combined with incest. Herod was blamed not merely for taking another man's wife, but for taking the wife of his brother. It was this circumstance which made his wickedness so much the more aggravated. It was the relationship of Philip to Herod which John meant to point out as the cause of the enormity of the sin which he condemns. The language of John, therefore, as well as the language of Josephus clearly proves that the sin of Herod and Herodias was incest as well as adultery. And the Evangelists also take the same view of the matter, as appears from the seemingly designed unanimity with which they all take care to record the fact that Philip was the brother of Herod. Why have we this wonderful accuracy, this singular harmony in narrating the same circumstance, with such minute exactness, if nothing more were meant than that Herodias was the wife of another man who was still alive? The aggravation of the offence clearly was that she was the wife of Herod's brother. This proves to a demonstration that the Evangelists considered the law in the 18th of Leviticus to be still binding on us under the Gospel Dispensation.

We have another proof of the existing obligation of the law in the case of the man at Corinth who had taken his father's wife, for which he was condemned by Paul with such terrible severity. 1 Cor. V. 1. It was on the ground of relationship alone that the Apostle censured the man's action, as an offence which was not known even among the Gentiles. If there was no difference between a father's wife and any other woman, why did the Apostle mention the circumstance that she was his father's wife? Was it not sufficient for him to have said that he had taken another man's wife if it was only a case of adultery? But the Apostle emphatically pointed out the relationship as that which made the offence so very enormous: herein consisted the heinousness of the sin. Whether the father was dead or living, it was incest for the son to have any connection with his step-mother. It has been said by some learned men that in this case the father was alive, and in proof of this assertion the words of the Apostle are quoted in 2 Cor. VII. 12. "Not for his cause

that had done the wrong (*adikesantos*) nor for his cause that suffered wrong (*adikethentos*)." It is said that the word "*adikia*" means injustice, wrong, and that the Apostle's reason for condemning this man so severely was the fact that he had wronged or done injustice to his father, by taking his wife. If this were the only reason then the offence of the son would have been a violation of the eighth commandment which forbids injustice and robbery, instead of a breach of the seventh commandment which forbids unchastity. But the Apostle, in 1 Cor. V. 1, expressly calls it (*porneia*) fornication, a sin against the seventh commandment, so that irrespective of the injury done to the father, there is an intrinsic vileness in the sin itself, insomuch that it was not even named or tolerated among the heathen, who had only the light of nature to guide them. When a Roman mother had married her daughter's husband contrary to law, Cicero the orator exclaimed, "Scelus incredibile! et praeter unum in omni vita inauditum. Oh incredible wickedness! and unheard of through all my life except in this one instance." But the greatest probability is that the father was dead. It is not at all likely that a Christian Church planted by an Apostle, and under immediate Apostolic inspection would have tolerated for a moment in their communion a man who had taken the wife of another living man and lived with her as his own wife. There were abuses indeed in the Corinthian Church, but surely the state of morality among them was not sunk to such a low degree. Besides the Apostle uses the word (*Porneia*) fornication, and not (*moicheia*) adultery, which would have been the correct word if the first husband had been in life at the time. And as to the matter of injustice, it is certain that wrong was done to the dead father by the ignominious treatment to which the wife was subjected, for the nakedness of the wife is called the nakedness of the husband, and though the latter was dead, he suffers injury in the person of his surviving wife. The dishonour done to her brings disgrace upon his name, for his honour is bound up in hers, therefore any indignity to which she submits brings disgrace upon him, and in this way he suffers grievous wrong. The language of the Apostle implies marriage, but a woman could not be married to two living husbands at the same time. The first husband was therefore dead, and the son must have married the wife of his deceased father.

Now the Apostle blames the Corinthians for allowing this man to continue in the communion of the church, and expresses his astonishment that they did not know more than

the heathen who had only the light of nature to guide them. But how could the Corinthians know more than the heathen except on the ground of a written revelation? And where have we this revelation except in Leviticus XVIII.? The conclusion is therefore irresistible that here we have a standing law regarding the degrees of kindred which are a bar to marriage. For the phrase used by the Apostle indicates marriage of some kind, and proves that the son had married the woman who had been his father's wife. The Greek phrase (*Echein gunaika*) "to have a woman," corresponds exactly with the Hebrew phrase (*Lakach ishshah*) "to take a woman," and signifies in English "to marry a woman." Marriage is therefore unlawful between these relatives; and as every circle mathematically includes all the circles that can be drawn within its circumference, so the law that prohibits the marriage of near relatives, necessarily aggravates the sinfulness of all illicit intercourse between them out of the state of wedlock.



## CHAPTER II.

### THE PRINCIPLE OF THE LAW.

In Leviticus XVIII. 6, the Legislator lays down a general principle: "None of you shall approach to any that is near of kin to him to uncover their nakedness;" then he goes on to give specimens of the relationship which is forbidden. By analysing these specimens we find that they resolve themselves into two *grand* and *fundamental* principles which regulate the whole law as to the degrees of relationship, or nearness of kin, within which marriage is forbidden. The first of these principles is, "That children may not marry their own parents, nor any of their parents' descendants for ever." Or it may be expressed thus: "Persons standing in the first degree of relationship may not marry with relatives in the same or any other degree." This principle is found in the 7th, 9th, 10th, 11th, 12th, and 13th verses of the 18th Chapter and regulates all the degrees of relationship by *consanguinity* within which marriage is unlawful. The second general principle is, "That a man may not marry any of his wife's kindred nearer in blood than he may of his own, nor a woman of her husband's kindred nearer in blood than of her



own." This principle is proven by the 14th and 21st verses of the 20th Chapter, as well as by the 8th, 14th, 15th, 16th, and 17th verses of the 18th Chapter; it regulates all the degrees of relationship by *affinity*, within which marriage is morally wrong; and is founded upon the *legal* and *moral unity* of husband and wife expressed in the word of God by the emphatic and significant phrase, "one flesh." In determining the degrees of kindred the law of God puts *consanguinity* and *affinity* precisely upon the same level. The mother, the step-mother, and the mother-in-law, are alike forbidden. This equalization of these two classes of relationship must have had its root and foundation in that primeval statute promulgated in the Garden of Eden, "They twain shall be one flesh,"—a necessary result of this conjugal unity being that the kindred of either spouse become by marriage the kindred of the other, and that the immediate relatives of either, standing within the forbidden degrees, become related to the other in such a manner as to prevent subsequent marriage between any of these relatives and the surviving wife or husband.

By the first of our general principles we ascertain what are the degrees of relationship by consanguinity which are forbidden to marry. From the 7th verse we learn that a man cannot marry his mother, and by parity of reasoning a woman cannot marry her father. Parents and children, brothers and sisters, stand to each other in the first degree of relationship. According to our general principle those standing in the first degree may not marry with relatives in the same, nor in any other degree. Hence it is evident that neither man nor woman is allowed to marry any of the descendants of their parents. This precludes a man from marrying his sister, the daughter of his father, or the daughter of his mother, or the daughter of both his parents; and by the same rule a woman also is forbidden to marry her brother, being the son of her father and mother or the son of either. In like manner it is unlawful for a man to marry his niece, whether the daughter of his brother or of his sister, because she is the grand-daughter of his father, or of his mother, or of both; and a woman is not allowed to marry her nephew, whether the son of her brother or of her sister, because he is the grandson of both her parents, or of either of them. A man is not at liberty to marry his grand-niece, for she is descended from his parents, nor is it lawful for a woman to marry her grand-nephew because he is descended from the same source. This principle also prevents grand-children

and grand-parents from marrying each other. These include all the degrees of relationship by consanguinity which bar marriage.

By the second of our general principles we learn the degrees of relationship by affinity which stand as barriers in the way of marriage. "A man may not marry any of his wife's kindred nearer in blood than he may of his own." Hence he cannot marry his wife's mother nor any of the descendants of her parents. This renders it unlawful for him to marry his wife's sister, or daughter, or niece. In like manner "a woman may not marry any of her husband's kindred nearer in blood than she may of her own." Therefore it is unlawful for her to marry her husband's father or any of the descendants of his parents. Hence she is not allowed to marry her husband's son, nor his brother, nor his nephew. And as by the law of consanguinity a man cannot marry his own aunt nor a woman her uncle, so by the principle of affinity a man cannot marry the aunt of his wife, or a woman the uncle of her husband; and these cases again reversely prove that a man is not allowed to marry his nephew's wife, nor a woman her niece's husband.

That the Divine Legislator only gives regulative specimens to illustrate the law, and does not exhaust the whole list of prohibited degrees is evident by referring to the passages in which the law is contained. From the principle laid down the whole may be easily determined. When a man is forbidden to marry his mother, this carries with it the analogous case, though not specified, of the prohibition of a man's marriage with his daughter. When a nephew is forbidden to marry his aunt, this includes the analogous case of an uncle's marriage with his niece. The prohibition of marriage with a father's brother's wife includes the prohibition of marriage with a mother's brother's wife; and so on with every case in which there is an analogy to any of those which are specified, and where the degree of relationship is the same. It is also clear that the prohibitions of the law belong *equally* to *consanguinity* and *affinity*, to relationships by blood as well as relationships by marriage. Indeed the greater number of the prohibitions belong to affinity; and they are not set down in distinct and separate classes by themselves, as if they rested on different grounds, but they are intermingled together, as if designedly to show that in the whole matter of prohibited degrees, consanguinity and affinity were to stand precisely on the same footing. It is not said, relatives by consanguinity are prohibited from marriage on grounds of a certain nature,

and relations by affinity are prohibited on grounds totally different. But they are interwoven together in the prohibition, sometimes the one being mentioned and sometimes the other; the law alternately passing and returning from the one to the other in such a way as to leave not the shadow of a doubt on the mind of any candid and intelligent reader of the Word of God that before the eye of the Divine Lawgiver the prohibited degrees of consanguinity and affinity are viewed as standing precisely upon the same level.

It is equally clear that in all the commandments and prohibitions of the moral law the male includes the female, so that whatsoever is forbidden to the man is also forbidden to the woman, otherwise some sins would not be forbidden at all when committed only by the female. The commandments of the moral law are all masculine in their form in Hebrew, being all addressed to the man. But when a man is forbidden to covet his neighbour's wife, the woman is thereby forbidden to covet her neighbour's husband. In like manner also the prohibitions in Leviticus, 18th and 20th Chapters, are all masculine in their form, being all addressed to the man; nevertheless they include the woman. For instance, when a man is forbidden to marry his mother, a woman is thereby forbidden to marry her father; when a man is forbidden to marry his aunt, his father's or mother's sister, a woman is thereby forbidden to marry her uncle, her father's or mother's brother. If this principle be not granted, then we have no law forbidding the marriage of fathers with their own daughters, nor of uncles with their nieces, for neither of these cases are expressly forbidden. The principle is also extended to relationship by affinity as well as by consanguinity; so that when a man is forbidden to marry his father's wife, his step-mother, a woman is thereby forbidden to marry her mother's husband, her step-father; when a man is forbidden to marry his uncle's wife, a woman is equally forbidden to marry her aunt's husband; when a man is forbidden to marry his son's wife, a woman is also forbidden to marry her daughter's husband; and when a man is forbidden to marry his brother's wife, a woman is thereby clearly forbidden to marry her sister's husband. In the same way when a man is forbidden to marry his wife's daughter—i. e. his step-daughter—a woman is forbidden to marry her step-son—i. e. her husband's son. This principle is clearly demonstrated by joining together the 8th and 17th verses of the 18th Chapter; for if the son may not marry his father's wife, according to the 8th verse, the step-mother is clearly pre-

cluded from marrying her husband's son ; and the 17th verse expressly forbids a man to marry his wife's daughter, which reversely forbids a woman to marry her step-father. The 17th verse of the 18th Chapter, and the 14th verse of the 20th Chapter, also forbid a man to marry his mother-in-law, his wife's mother ; but this includes the prohibition of a woman marrying her father-in-law, her husband's father. Indeed this is clearly implied or expressed in the 15th verse, where a man is forbidden to marry his son's wife, which necessarily involves the correlative prohibition of a woman marrying her husband's father.

An objection is here raised from the inferior position of woman under the Mosaic Law. It is said that under it the sexes were not convertible at all ; their moral equivalence is denied so that they cannot be transposed, putting male for female and female for male. The woman was not regarded as man's equal, but was dependent on him to minister to his comfort.

This reasoning is more plausible than sound and scriptural. In some respects indeed it may be said that the woman occupied a lower position under the law than she does under the Gospel, but not in matters affecting morality. She might then have laboured under social disabilities, but in so far as the moral law was concerned she stood on a footing of perfect equality with man. The law of marriage in Leviticus 18th is an exposition of the fifth, seventh, and tenth commandments, and it is as much a woman's duty to keep these commandments as it is the duty of man. The sexes are thus morally equivalent in the eye of the Divine Law, so that we can transpose them, putting male for female and female for male. The law forbids a man to marry his mother. Let us transpose this and we find that it forbids a woman to marry her son. Our Saviour, who lived and died under the Mosaic Law actually transposes them in Mark X. 11, 12 : "Whosoever shall put away his wife and marry another,—and if a woman shall put away her husband and be married to another,"—the same law applies to both, they are both equally guilty of adultery. The Ethics of the Mosaic Economy are the Ethics of the Ten Commandments, and these are the code of Christian Ethics under the Gospel. Sin is the transgression of the moral law, whether it be committed by man or woman. God has not promulgated one code of moral laws for the Old Testament, and another code for the New, one law for males and another for females. The law is one, universal, immutable, eternal. Christ came not to abolish

the old law and introduce a new law in its place. He came to fulfil the law, to magnify, to make it honorable. Nay more He came to fulfil the righteousness of the law in his people by writing it upon their hearts, bringing their natures into a state of perfect conformity to its demands, and enabling them to obey its precepts. It is evident, therefore, that our present moral law is the ancient law, binding in all ages on men and women alike. The force of this reasoning can not be set aside by the assertion that in many respects the woman was inferior to the man. Even now, under the Gospel Economy, the woman is inferior to man in some respects. She is inferior in bodily strength; in the household the man is the head of the woman; in some countries inheritances are entailed on the man rather than the woman; and the crown of royalty is conferred on the male heirs to the exclusion of the females; and women are not allowed to preach, administer the sacraments, or to bear rule in the Church of Christ. But none of these things affect the principle of the moral equality of man and woman, so that what is forbidden to the man is forbidden to the woman also in similar circumstances or relations. This principle has existed from the beginning of Creation, for God said, "I will make for man a helper," (*keneghdō*) corresponding to him, i. e., his counterpart. It is on this principle therefore that the commandments of the moral law are masculine in form, being all addressed to the man.

It is this principle which causes the prohibitions to be expressed sometimes in the ascending form and sometimes in the descending form, according as the person forbidden is the man's superior, or his inferior in degree. A man's mother or aunt are his superiors, while his son's daughter or his son's wife are his inferiors. Hence as the prohibitions of the law are addressed to the man, they sometimes take the ascending form as when a man is forbidden to marry his mother, and sometimes the descending form, as when he is forbidden to marry his son's daughter. That the instances mentioned are only illustrative specimens to regulate the whole, may clearly be seen from the fact that every prohibition necessarily includes not only the correlative prohibition by reversing the terms, but also the analogous cases which are not specified. When marriage is expressly forbidden between relatives of a certain degree of nearness, it is unlawful between relatives who are in the same degree. As when a man is forbidden to marry his mother, this includes the correlative prohibition of a woman marrying her son, and the

analogous cases of a woman marrying her father, or a man marrying his daughter, though these latter cases are not specified at all in the law. And when a man is forbidden in the 10th verse to marry his grand-daughter, this includes the correlative prohibition of a woman marrying her grandfather, as well as the analogous prohibition of a woman marrying her grandson, or a man marrying his grandmother. In this manner a complete table of all the prohibited degrees may be drawn up in two parallel columns, according as the prohibitions are viewed, as addressed to the man or to the woman. The law seems to be founded on this beautiful symmetry and analogy; and if we deviate from it in one particular instance, the symmetry is destroyed, the harmony is broken, and we have no principle to guide us in our Legislation upon the subject of marriage.

Let us apply this principle to the relations by affinity, and we shall find that when a man is forbidden to marry his uncle's wife, this includes the correlative prohibition of a woman marrying her husband's nephew, as well as the analogous prohibition of a woman marrying her aunt's husband, or a man marrying his wife's niece. And so, in like manner, when a man is forbidden to marry his brother's wife, this includes the correlative prohibition of a woman marrying her husband's brother, as well as the analogous prohibition of a woman marrying her sister's husband, or a man marrying his wife's sister. We might pursue this line of argument through all the various degrees of affinity as well as consanguinity, and it would be made apparent that every prohibition on the one hand necessarily includes a correlative or analogous prohibition upon the other. From what has been stated we think it is sufficiently clear that the words of the Westminster Confession of Faith in the 24th Chapter and 4th section rest on an impregnable foundation of Scripture truth.—"The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own." It is only to the *relatives by blood* that the prohibition extends. There is not a single instance of a wife's relatives by marriage being expressly forbidden to the husband, or of a husband's relatives by marriage being forbidden to the wife. The instances given in Leviticus do not warrant us to extend the prohibition to them. Therefore they are not included in the phrase "near of kin,"

Here we may subjoin the common table of forbidden

degrees, marking in Roman letters the relatives expressly forbidden, and in Italics those forbidden by inference :—

A man may not marry his

1. *Grandmother.*
2. *Grandfather's Wife.*
3. Wife's Grandmother.
4. Father's Sister.
5. Mother's Sister.
6. Father's Brother's Wife.
7. *Mother's Brother's Wife.*
8. *Wife's Father's Sister.*
9. *Wife's Mother's Sister.*
10. Mother.
11. Step-Mother.
12. Wife's Mother.
13. *Daughter.*
14. Wife's Daughter.
15. Son's Wife.
16. Sister.
17. *Wife's Sister.*
18. Brother's Wife.
19. Son's Daughter.
20. Daughter's Daughter.
21. *Son's Son's Wife.*
22. *Daughter's Son's Wife.*
23. Wife's Son's Daughter.
24. Wife's Daughter's Daughter.
25. *Brother's Daughter.*
26. *Sister's Daughter.*
27. *Brother's Son's Wife.*
28. *Sister's Son's Wife.*
29. *Wife's Brother's Daughter.*
30. *Wife's Sister's Daughter.*

A woman may not marry her

1. Grandfather.
2. Grandmother's Husband.
3. *Husband's Grandfather.*
4. *Father's Brother.*
5. *Mother's Brother.*
6. *Father's Sister's Husband.*
7. *Mother's Sister's Husband.*
8. *Husband's Father's Brother.*
9. *Husband's Mother's Brother.*
10. *Father.*
11. Step-Father.
12. Husband's Father.
13. Son.
14. Husband's Son.
15. Daughter's Husband.
16. Brother.
17. Husband's Brother.
18. *Sister's Husband.*
19. *Son's Son.*
20. *Daughter's Son.*
21. Son's Daughter's Husband.
22. Daughter's Daughter's Husband.
23. *Husband's Son's Son.*
24. *Husband's Daughter's Son.*
25. Brother's Son.
26. Sister's Son.
27. *Brother's Daughter's Husband.*
28. *Sister's Daughter's Husband.*
29. Husband's Brother's Son.
30. *Husband's Sister's Son.*

The second column is merely a statement in a different form of what is contained in the first column. Thus No. 16 in the first column is the same as No. 16 in the second,—prohibition of a man's marriage with his sister being the same as prohibition of a woman's marriage with her brother. The number of prohibitions is thirty, fifteen are expressly prohibited, and the other fifteen by inference. Now whatever doctrine may be deduced from Scripture, by a just and necessary inference, is as much taught there as what is expressly stated. It may therefore be fairly assumed that when marriage is expressly forbidden between relatives of a certain degree of nearness, it is unlawful between other relatives who are in the same degree. It will be observed also that the table consists of three classes of relatives, each class containing ten degrees. Class I. A man or woman's blood relatives. Class II. The wives of a man's and the husbands of a woman's blood relatives. Class III. The blood relatives of a man's wife and of a wife's husband.



## CLASS I.—RELATIVES BY CONSANGUINITY.

## A man's.

1. Gran. Imother.
2. Father's Sister.
3. Mother's Sister.
4. Mother.
5. Sister.
6. Daughter.
7. Son's Daughter.
8. Daughter's Daughter.
9. Brother's Daughter.
10. Sister's Daughter.

## A woman's.

1. Grandfather.
2. Father's Brother.
3. Mother's Brother.
4. Father.
5. Brother.
6. Son.
7. Son's Son.
8. Daughter's Son.
9. Brother's Son.
10. Sister's Son.

## CLASS II.—RELATIVES BY CONSANGUINEOUS AFFINITY.

1. Grandfather's Wife.
2. Father's Brother's Wife.
3. Mother's Brother's Wife.
4. Father's Wife.
5. Brother's Wife.
6. Son's Wife.
7. Son's Son's Wife.
8. Daughter's Son's Wife.
9. Brother's Son's Wife.
10. Sister's Son's Wife.

1. Grandmother's Husband.
2. Father's Sister's Husband.
3. Mother's Sister's Husband.
4. Mother's Husband.
5. Sister's Husband.
6. Daughter's Husband.
7. Son's Daughter's Husband.
8. Daughter's Daughter's Husband.
9. Brother's Daughter's Husband.
10. Sister's Daughter's Husband.

## CLASS III.—RELATIVES BY AFFINAL CONSANGUINITY.

1. Wife's Grandmother.
2. Wife's Father's Sister.
3. Wife's Mother's Sister.
4. Wife's Mother.
5. Wife's Sister.
6. Wife's Daughter.
7. Wife's Son's Daughter.
8. Wife's Daughter's Daughter.
9. Wife's Brother's Daughter.
10. Wife's Sister's Daughter.

1. Husband's Grandfather.
2. Husband's Father's Brother.
3. Husband's Mother's Brother.
4. Husband's Father.
5. Husband's Brother.
6. Husband's Son.
7. Husband's Son's Son.
8. Husband's Daughter's Son.
9. Husband's Brother's Son.
10. Husband's Sister's Son.

In order that it may be seen at a single glance that the second column is only a statement in a reverse form of what is directly expressed in the first, we shall exhibit the three classes in order, putting down the same relation exactly in the second column, opposite that which reversely corresponds to it in the first, the numbers referring to the figures in the immediately preceding table, and indicating the different degrees which are the correlatives of one another.

## CLASS I.

## A man may not marry his

- |               |                       |
|---------------|-----------------------|
| 1. Father's   | } Mother—Grandmother. |
| 1. Mother's   |                       |
| 2. Father's   | } Sister—Aunt.        |
| 3. Mother's   |                       |
| 4. Mother.    |                       |
| 5. Sister.    |                       |
| 6. Daughter.  |                       |
| 7. Son's      | } Daughter—Grand-     |
| 8. Daughter's |                       |
| 9. Brother's  | } Daughter—Niece.     |
| 10. Sister's  |                       |

## Correspondingly a woman may not marry her.

- |               |                       |
|---------------|-----------------------|
| 7. Son's      | } Son—Grandson.       |
| 8. Daughter's |                       |
| 9. Brother's  | } Son—Nephew.         |
| 10. Sister's  |                       |
| 6. Son.       |                       |
| 5. Brother.   |                       |
| 4. Father.    |                       |
| 1. Father's   | } Father—Grandfather. |
| 1. Mother's   |                       |
| 2. Father's   | } Brother—Uncle.      |
| 3. Mother's   |                       |

## CLASS II.

- |  |                                       |
|--|---------------------------------------|
| 1. Father's Father's } Wife—Step-      | 7. Husband's Son's } Son—Step         |
| 1. Mother's Father's } Grandmother.    | 8. Husband's Daughter's } Grandson.   |
| 2. Father's Brother's } Wife—Step-     | 9. Husband's Brother's } Son—Step-    |
| 3. Mother's Brother's } Aunt.          | 10. Husband's Sister's } Nephew.      |
| 4. Father's Wife—Step-mother.          | 6. Husband's Son—Step-son.            |
| 5. Brother's Wife.                     | 5. Husband's Brother.                 |
| 6. Son's Wife—Daughter-in-law.         | 4. Husband's Father—Father-in-law.    |
| 7. Son's Sons } Wife—Grand-            | 1. Husband's Father's } Father—G'd    |
| 8. Daughter's Son's } daughter-in-law. | 1. Husband's Mother's } father-in-law |
| 9. Brother's Son's } Wife—Niece-in-    | 2. Husband's Father's } Brother—      |
| 10. Sister's Son's } law.              | 3. Husband's Mother's } Uncle-in-law  |

## CLASS III.

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. Wife's Father's } Mother—Grand-    | 7. Son's Daughter's } Husband—G'd     |
| 1. Wife's Mother's } mother-in-law.   | 8. Daughter's do. } son-in-law.       |
| 2. Wife's Father's } Sister—Aunt-in-  | 9. Brother's Daughter's } Husband—    |
| 3. Wife's Mother's } law.             | 10. Sister's Daughter's } N'w-in-law. |
| 4. Wife's Mother—Mother-in-law.       | 6. Daughter's Husband—Son-in-law.     |
| 5. Wife's Sister.                     | 5. Sister's Husband.                  |
| 6. Wife's Daughter—Step-Daughter.     | 4. Mother's Husband—Step-father.      |
| 7. Wife's Son's } Daughter—Step       | 1. Father's Mother's } Husband-Step   |
| 8. Wife's Daughter's } grand-daughter | 1. Mother's Mother's } grandfather.   |
| 9. Wife's Brother's } Daughter—Step-  | 2. Father's Sister's } Husband—Step   |
| 10. Wife's Sister's } Niece.          | 3. Mother's Sister's } Uncle.         |

NOTE.—It is curious to notice the change of terms used to designate relatives by affinity. The superior blood relatives of either husband or wife are named relatives *in-law* to the other party, while the inferior blood relatives of either are *step-relatives* to the other, as father-in-law, step-son. On the other hand, the spouses of the superior blood relatives are styled step-relatives, while those of the inferior ones are called relatives-in-law, as step-father, son-in-law. relatives who are equals are brothers and sisters-in-law.

## CHAPTER III.

## THE PHRASE "NEAR OF KIN."

The Hebrew expression translated "near of kin" is "shēēr-Bēsārō," which is rendered, in the margin of the English Bible, "the remnant, or remainder of his flesh," but which literally signifies "the flesh of his flesh," and corresponds with the English expression "his own flesh," or "the flesh of himself." The word "*shēēr*" is used in Psalm LXXIII. 26 to signify the body, and is translated "flesh" in the sentence, "my flesh and my heart faileth." It is also used in the same sense in Prov. V. : 11, and XI. : 17. In Psalm LXXVIII. : 20, 27, it is used to signify the flesh of animals eaten for food. "Can he provide (*shēēr*) *flesh* for his people?" "He rained (*shēēr*) *flesh* also upon them as dust." In Numbers XXVII :

11, it is used to denote the flesh of any one put for his blood-kindred or relatives. "If his father have no brethren, ye shall give his inheritance to (shĕērō) *his flesh*, his kinsman that is next to him of his family." It is also used in the same sense in Lev. XXI.: 2—"But for (shĕērō) *his flesh*, his kin that is near unto him, and for his brother, and for his sister." These passages are sufficient to fix the meaning of the word "*shĕēr*" flesh, both in its primary and in its tropical application.

The other word "*Bāsār*" is the common Hebrew word for flesh, and is spoken of the flesh of the living body, both of men and beasts—Gen. XLI.: 2; Job XXXIII.: 21—as well as of the flesh of animals used as food. Exodus XVI.: 12. It is also spoken of all living creatures, men and animals—Gen. VI.: 13—and specifically of all men, the human race or mankind—Gen. VI.: 12; Psalm LXV.: 3. It is likewise used metaphorically to signify kindred or blood-relationship, as in Gen. XXIX.: 14. "Laban said to Jacob, surely thou art my bone and my "*Bāsār*," flesh"; and in 2 Sam. V.: 1, the tribes of Israel said to David, "We are thy bone and thy '*Bāsār*,' flesh. This is also the word used by Adam when he saw Eve and said, "this is bone of my bones and '*Bāsār mibbēsār*," flesh of my flesh," to indicate her near relationship to him. In Gen. XXXVII.: 27, it is used by Joseph's brethren, "He is our brother and our *flesh*." And it is also the term used by the sacred writer to point out the unity of the married pair. Gen. II.: 24,—"They shall be one '*Bāsār*,' flesh." These texts are sufficient to determine the meaning of the word '*Bāsār*,' flesh, when used either in its literal or metaphorical signification.

When the two words, '*shĕēr*,' and '*Bāsār*,' are joined together, as in the phrase under consideration, they point out the nearness of the relationship between the parties spoken of, the one being of the same flesh with the other, the flesh of his flesh, the kinsman or the kinswoman of his own, or her own flesh. This is so evident in the case of those who are related by consanguinity, that there is no dispute upon the subject. But the Divine law makes no distinction between affinity and consanguinity in giving forth its prohibitions. They are both alike prohibited in the same passage, and for the same reason. In verses 12 and 13, "The sister of thy father," or "the sister of thy mother," is called '*shĕēr*,' the "flesh of thy father, or the flesh of thy mother." For the same reason, thy father's brother is also the flesh of thy father. But the flesh of thy father is thine own flesh, therefore thy father's wife, which is one flesh with thy father, and

Son—Step  
Grandson.  
on—Step.  
Nephew.  
on.

her-in-law.  
father—G'd  
her-in-law  
other—  
uncle-in-law

and—G'd.  
in-law.  
us—nd—  
w-in-law.  
n-in-law.

father.  
band-Step  
ndfather.  
nd—Step  
Uncle.

ate rela-  
wife are  
relatives of  
the other  
ves, while  
on-in-law.

shĕēr-  
nglish  
which  
ponds  
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II. 26  
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food.  
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XVII:

thine uncle's wife, which is one flesh with thine uncle, by parity of reasoning must be thine own flesh also, because these women are one flesh with thine father and with thine uncle. On that account, the nakedness of thy father's wife, or the nakedness of thine uncle's wife, is said to be the nakedness of thy father, or the nakedness of thine uncle. Leviticus XVIII. : 8, XX. : 20. In the same manner it may be proved that a man's brother's wife, or his son's wife, are his own flesh, or, according to the Hebrew idiom, "the flesh of his flesh," through the union by marriage of these women with his brother, or with his son, both of whom are his own flesh, according to Lev. XXI. : 2, 3 ; therefore he is not at liberty to approach them in marriage.

In verse 17, a man is forbidden to take the daughter or the grand-daughter of his wife ; and the reason given for the prohibition is that they are "*shäärâh*," flesh, or *flesh-hood*, that is blood relationship or kinswomen. It is not said whether they are the "*shäärâh*," the flesh, the kinswomen of the man or of the woman, his wife ; but this makes no difference, because the wife by marriage becomes one flesh with the husband ; she is his flesh by the Divine law, and as her daughter and grand-daughter are her flesh, they become his flesh—that is, his kinswomen, through her union with him.

In verse 13, the sister of the mother is called "*sheér*," the flesh of the mother ; this implies the principle that two sisters are one flesh : the one sister is the flesh of the other. And, in verse 12, the sister of the father is called '*sheer*,' the flesh of the father, involving the principle that a brother and sister are one flesh ; the one of them is the flesh of the other. But thy father has married thy mother, who became, by that marriage, one flesh with him. Thy mother's sister, however, is one flesh with her ; she must therefore be the flesh of thy father also, who, by marriage, is become one flesh with thy mother. Thy mother's sister is as much thy mother's flesh, as thy father's sister is thy father's flesh. But thy mother having become one flesh with thy father, her (*i. e.*, the mother's) flesh has become his also ; therefore, he is no more at liberty to marry her flesh than he is to marry his own flesh, inasmuch as the flesh of the twain has become one. This appears to be the principle which lies at the foundation of all the prohibitions of marriage on the ground of affinity, viz. : the unity of man and wife. God created man in His own image at the beginning : in the image of God created he him ; male and female created He them, and blessed them, and called their name Adam in the day wherein they were created.

Gen. i. : 27 ; v. : 2. The male is not complete without the female, nor the female without the male : "Neither is the man without the woman, nor the woman without the man, in the Lord." 1 Cor. xi. : 11. They both constitute one *Adam*, one complex man, joined together by a mysterious union in the nearest and dearest possible relation, expressed in scripture by the emphatic phrase, "One flesh." This is a great mystery, according to the Apostle, in speaking of the union between husband and wife ; and it appears to be the foundation of all relationship by affinity. It follows from this oneness of flesh that all the relatives of the wife are the flesh of the husband, and all the relatives of the husband are the flesh of the wife.

But it is here objected that, according to this principle, the relatives of the one party are not allowed to marry the relatives of the other, so that two brothers cannot marry two sisters, and a man cannot marry his *wife's brother's wife*. This however does not necessarily follow, for marriage constitutes husband and wife *one flesh*, and the relatives of each *one flesh* with the other, but not the relatives themselves of either party with the relatives of the other. Married persons abridge *their own liberty only*, so that, in the event of a second marriage, neither of them may marry the *other's blood-relatives* within the prohibited degrees ; but this act of theirs does not interfere with the liberty of others—so that the members of their respective families may lawfully intermarry. Two brothers may, therefore, marry two sisters, or a man may marry the sister of his own sister's husband. For, although the first brother, by marrying the first sister, becomes one flesh with her, and the second sister, being her flesh, becomes his flesh, too, so that *he* cannot marry her, yet there is no barrier to prevent the second brother from marrying the second sister, with whom he has no connection, though, at the same time, *he* is precluded from marrying the first sister, if left a widow, for she is one flesh with his brother, and therefore his own flesh also. And although my sister's husband be related to me, through his marriage with her, yet there is no relationship between me and his sister, standing as a moral barrier to prevent me from taking her to be my lawful wife. The principle appears to be that, in marriage, the *husband only* of his own kindred is grafted into the stock or family of the wife, and the *wife alone* of her kindred is grafted into the stock or family of the husband, leaving the other relatives, on either side, as free and unconnected as if no such marriage had ever taken place. Again, though a

man may not marry any of his wife's kindred nearer *in blood* than he may of his own, it does not follow that he is prohibited from marrying any of those who are related to her by the bond of *affinity alone*. This answers the question as to the lawfulness of marriage with a wife's brother's wife, or a brother-in-law's wife, which includes the second wife of a sister's husband.

A man's relations may be embraced within three circles : the *first* and innermost are his *own blood relations* ; the *second* are his relations by *marriage* or *affinity*, consisting of two classes, viz. : 1. the blood relations of his wife ; and, 2. the wives of his blood relations. The *third* and outermost circle consists also of two classes or divisions, viz. : 1. the relations of his wife by *affinity only*, and, 2. The relations by *affinity* of his kinsmen by blood. Now it appears that, while a man is forbidden to marry any one within the *two inner circles* of his own near relations by blood, or by marriage, he is not forbidden to marry any within the *third* and *outer* circle of those who are the near relatives of his wife, or of his own blood relatives, by *marriage only*. These last are related by an affinity of the affinity, a secondary kind of affinity, or an affinity in the second degree, and are no more prohibited than blood relatives of the second degree such as first cousins which are allowed to marry.



## CHAPTER IV.

### OBJECTIONS ANSWERED.

Of the various objections which are started on this subject we shall notice first that which denies any reference to marriage in the 18th Chapter of Leviticus, though the permanent obligation of the law is allowed. It is alleged that Moses says nothing about unlawful marriages, but prohibits unlawful lusts or criminal connection between parties nearly related to one another ; that he condemns sinful familiarities between such persons but does not utter a word that has the slightest reference to marriage at all. In reply we state that this is a most frivolous objection ; it is utterly worthless as an argument, for though the prohibitions do not refer exclusively to marriage, yet there cannot be the faintest shadow of a doubt on the mind of any intelligent reader of God's Word, that

they refer to it as much as to any other connection. The law, in its general principle, as well as in the particular prohibitions laid down, is not about simple fornication or adultery, but about forbidden sexual connection under any circumstances whatever between near relatives, whether in marriage or out of marriage, since there could have been no necessity at all for specifying relationship if the sins of fornication and adultery had been all that was intended. The law of the seventh commandment, and the judicial laws relating to fornication and adultery, were sufficient for the prohibition and the punishment of those sins. And the various prohibitions of the 18th Chapter would therefore be a list of vain and needless repetitions calculated to weaken instead of strengthening the general law. It is therefore evident that *relationship*, whether by blood or previous marriage is the ground on which such persons are forbidden to approach to one another. The statute contains the law of *incest* and so treats of the degrees of kindred which bar marriage.

Human laws can never make valid what is forbidden by the law of God. To go through the process of celebrating marriage between parties so nearly related, is a solemn farce; it is a mockery, a prostitution of a Divine ordinance; it is adding the sin of profanity to the sin of immorality. Matthew Henry, in his commentary on Levit., says: "The making use of the ordinance of marriage for the patronising of incestuous mixtures, is so far from justifying them, or extenuating their guilt, that it adds the guilt of profaning an ordinance of God, and prostituting that to the vilest of purposes, which was instituted for the noblest of ends." There can be no lawful or valid marriage between such parties according to the Divine law. Their previous relationship is a barrier to union interposed between them by God; and as marriage cannot remove nor annihilate this relationship, it is evident that marriage between them is impossible. They can never be lawfully anything else to one another than what they are. They cannot overleap the moral barriers placed between them without committing sin. Their marriage would be an incestuous marriage, and therefore contrary to the word of God. To say, then, that the statute prohibits *unlawful lusts*, but says nothing about *unlawful marriages*, is only throwing dust in men's eyes by turning away their attention from the real question at issue. There can be no such thing as *lawful lusts*; nor can there ever be any *lawful marriage* between persons standing to each other



in the relations specified; consequently, all carnal connection between them, whether in an unmarried state or in a state of pretended wedlock, must come under the category of unlawful lusts, and be forbidden by the Divine Law-giver. It is therefore manifest that marriage between them is prohibited, on the ground that they are already too nearly related to enter into such an alliance.

This will appear further evident, when we consider the peculiar phraseology employed by the sacred writer to characterize the sin which is forbidden. The words of the law are, "Thou shalt not approach to uncover nakedness." The word rendered nakedness, signifies the secret parts of the human body. It also signifies uncleanness, filthiness, anything vile, as well as shame, ignominy, disgrace. To "uncover the nakedness" of a woman, is to remove the covering from certain parts of her body, either in ignominy, or for carnal intercourse with her. It is to do something disgraceful to her, which exposes her to shame. The phrase is never used as synonymous with marriage, or to designate lawful marriage between persons who are not in any way related to one another. Neither is it employed to express the sin of fornication or adultery between such persons. It is always used to express something vile and abominable, carrying with it the idea of foulness and loathsome impurity, such as the union of persons too nearly related, either by consanguinity or affinity. In all the instances but one where it is used in the 18th chapter, we find the idea of *relationship* of one kind or another is implied. And the only case where it occurs without this reference, still carries with it the idea of horrid vileness and pollution. The phrase, therefore, exactly corresponds to the English word *incest*, and is constantly employed to designate an incestuous connection. It is never used to express connection with females whom it would be lawful, in certain circumstances to marry—that is, if they were single or unmarried women. And though, in its grammatical sense, it is applicable to any connection whatever, yet the usage of the Hebrew language has limited its use to a certain kind of connection, like the English word "incest," which, being derived from the Latin '*incastus*,' literally signifies unchastity; but, by common usage, has been restricted in its meaning to unchastity of a particular kind.

In the 18th verse, the phrase is used to express the reason why marriage with two sisters is prohibited, because, on account of relationship, there is something vile and grossly immoral in having connection with two sisters. They are

near kinswomen to each other, and therefore they cannot become wives to the same man. That marriage of some kind is intended, may be proved from the use of the word "take," which is the Hebrew significant term for marriage; therefore, the law in the previous context has reference to marriage. In the 17th verse, a man is interdicted from marrying a woman and her mother, or a woman and her daughter or grand-daughter, for it is wickedness to do so, because they are near kinswomen. On the same ground it is wickedness to marry two sisters, for two sisters are one flesh, or near kinswomen, according to verse 13. The cause of vexation to the first sister, the legal wife, is that her husband has dishonoured her sister; he has uncovered her nakedness, he has disgraced her, which must be a galling vexation, a grievous annoyance to the wife. When polygamy was tolerated, or at least practised, among the Jews, it could not be a vexation for a wife that her husband should marry her sister, if there were no incest in the case. Without this consideration, any other woman would have caused as much vexation to her as her own sister, and probably more. But the uncovering of nakedness points out how the vexation was produced. It is vexation caused by the commission of incest; it is the vexation of uncovering nakedness. This may be clearly seen from a critical examination of the construction of the sentence in the original language. The infinitive mood in Hebrew, with the preposition "*le*," corresponds exactly with the Gaelic Infinitive, with the preposition "*le*," (with, by,) and may be rendered in Latin by the Gerund in *Do* of the Ablative case, as the Ablative of manner or cause. The act signified by the verb becomes subordinate to the preceding or principal verb, as the cause or means of producing the action which that verb denotes. The verse may, therefore, be translated thus:—"And a woman to her sister thou shalt not take for vexation in her life by uncovering her nakedness *with her*. (Tsârâr le ghallôth ervathah—*i. e.*, Gaelic, Saruich le rûsgadh a nochd)." It would harass and oppress the wife during her life, that her husband should thus dishonour her sister before her eyes, by doing such a vile and abominable thing in her life-time. It would be equally vile after her death: but the dead wife would then be free from any vexation, on account of it. But to marry two living sisters together, would bring disgrace and vexation to both; for, in the 17th verse, he who marries a woman and her daughter is said to uncover the nakedness of both; he dishonours the two, and exposes them to shame and reproach;

he commits incest with both. In like manner, he who marries two sisters, also dishonours both, and uncovers their nakedness together. This will explain the meaning of the preposition "*Al*," which signifies "*upon*, with, in addition to," and the reason why it is used here. He uncovers the nakedness of the one sister along with the other.

2. In the next place, we shall notice the objection, which bears upon the relationship by Affinity, from the use of the word "wife." It is said that the term "wife," in the 18th and 20th chapters of Leviticus, always means wife and not widow; that the Hebrew term "*Ishshah*," woman, when joined in the *status constructus* with another noun, denotes a relation now existing between living persons; and that, consequently, it signifies the wife of a living husband. In order to prove that the *status constructus* denotes a present relation, and not one that is past and expired, the words of God to Moses at the bush are quoted, Exodus iii. 6: "Anôkhî Elohey—Abraham," &c. I am the God of Abraham, the God of Isaac, and the God of Jacob; and, it is alleged, because God and the patriarchs are living persons, the relation between them must be a relation existing at the present moment, which relation is indicated by the *construct state*, because the Hebrew language wants the present tense of the verb "to be."

In reply to this objection, first of all, we quote the words of Dr. Lindsay, in his treatise on the marriage question:—"This is as frivolous an argument as could well be imagined; and it manifests the grossest ignorance of the style of expression characteristic of Scripture." The attempt to prove the force of the Hebrew *construct state*, by referring to the words of God to Moses, is fallacious. The argument is based upon a false assumption. How come we to know that Abraham, Isaac and Jacob, are living persons? Will the construct state of the noun prove this? No; but our Lord Jesus Christ expressly tells us that "God is not the God of the dead, but of the living; for all live unto Him"—Matt. xxii. : 32; Luke xx. : 38. From the words of our Lord, who has brought life and immortality to light, we know that the Patriarchs are alive in a separate state, because God can have no relation with dead beings; for all live unto Him. The mere position of the words in the construct state will not prove this.

The renowned Dr. Franklin says:—"When you get a good principle, go through with it." If the construct state of the Hebrew noun proves the necessity of a living relation

in one case, it must prove it in all cases. Now, the *construct state*, according to Gesenius, points out the *relation* between *two nouns*, which is indicated by a change in the form of the *first*. The *second noun*, which serves to limit the first, and which, in Greek and Latin, is put after it in the genitive, remains unchanged. But there is nothing in the construction which necessarily proves that the relation between the two nouns is a relation existing at the present moment. It is used to express a past relation as often as a present one. In 2 Chron. xxii. : 9, they said of Ahaziah, "*Ben-jehoshaphat Hu*." He is the son of Jehoshaphat, though Ahaziah and Jehoshaphat were both dead. In Judges ix. : 2, the sons of Gideon are called, "*Beney-gerubbaal*"—sons of Jerubbaal, yet their father was dead some time ago. In Esther viii. : 1, after Haman was put to death, we read of "*Beth-Haman*," the house of Haman, when he had no connection with the house. And, when Ziba falsely accused Mephibosheth, he alleged that his master used these words: "To-day shall the house of Israel restore me "*Mamlekhûth Abhi*," the kingdom of my father—2 Sam. xvi. : 3. This was said long after Saul and Jonathan were both dead, and they had no relation to the kingdom at that time. These examples, and many more of the same nature that might be produced, are sufficient to show that the construct state in Hebrew, like the genitive case in Greek and Latin, denotes a relation between two objects or persons, but does not necessarily prove the relation to be now existing. It is applied to express a past relation, as well as a present one. Let us apply Dr. Franklin's principle to the case under consideration. If the phrase "*Esheth-abhikha*," thy father's wife, means the wife of thy living father, then it necessarily follows that the phrase "*Bath-abhikha*," thy father's daughter, must signify the daughter of thy living father, for death separates the connection between a man and his daughter, as well as between a man and his wife. In like manner the phrase, "*Achoth-abhikha*," thy father's sister, or "*Achoth-immekha*," thy mother's sister, must signify the sister of thy living father or mother. So far as the construction is concerned, the phrases are identical. The father is the link of connection between a son and a step-mother, as well as between a brother and sister, or between a nephew and aunt; and if the removal of the link by death, in the one case, dissolves the connection, it must do so also in the other, according to Dr. Franklin's axiom. In that case, death would separate not only between living and dead relatives, but between the living relatives themselves.

From the foregoing conclusions, we can easily see that, when the Hebrew word "*Ishshah*," woman, is joined in the construct state with the name of a man, it indicates the *relation* between a certain man and woman, but not the *condition* or *state* of marriage or widowhood. This must be learned from the context, or in some other way. The Hebrew term signifies "woman" only, and not "wife or widow" in any sense: and it means "wife" only when connected with a noun or pronoun, denoting a person of the opposite sex. There is no word in Hebrew, no more than in Greek, Gaelic or Welsh, to express the idea of husband or wife. The words *man* and *woman* are used instead of these terms. And in or to limit the signification of either word, it is joined in the construct state with a noun, signifying one of the opposite sex: thus the woman of such a man, or the man of such a woman, the woman of Mahlon, or the man of Naomi. The word "*Almânâh*," widow, is seldom used in the Bible; and it is never used to express the relationship of a woman to her departed husband. According to the English idiom, we might say the widow of Abraham, the widow of King David, the widow of Urijah; but the Bible never adopts this style of expressing relationship, for it is not philosophically correct, as they were not widows when they belonged to these men. The woman is always called the woman of Abraham, the woman of David, the woman of Urijah. Indeed, we may challenge all the learned Hebraists in Christendom to point out a single instance in scripture where a woman is called the widow of her deceased husband, merely to show her relationship to him. She is uniformly and invariably designated his woman—*i. e.*, his wife (in English). In proof of this assertion, we advert to the following texts of Scripture:—

1. Where it is known that both husband and wife are living, as, Gen. xi. 29, "*Esheth-Abram*," Abram's woman or wife; "*Esheth-Nachor*," Nahor's woman or wife. See also Judges xiv. 16; 1 Kings xiv. 26; 2 Kings v. 2; 2 Chron. xxii. 11.

2. Where the wife is dead and the husband is living, as Gen. xxiii. 19: 'After this Abraham buried Sarah, "*Ishto*," his woman;' and in Judges xx. 4, then answered the Levite, "*Ish-ha-ishshah*," the man of the woman that was slain. Ezekiel says, xxiv. 18, "at even, "*Ishti*," my woman died."

3. Where both husband and wife are known to be dead, as Gen. xlix. 31: There they buried Abraham and Sarah, "*Ishto*," his woman: there they buried Isaac and Rebekah,

"*Ishto*," his woman, and there I buried Leah. Gen. xxv. 10. There was Abraham buried and Sarah, "*Ishto*," his woman.

4. Where the husband is dead and the wife living, as 1 Sam. iv. 19: "*Esheth-Pinechas*," the woman of Phinehas. 2 Sam. xii. 15: "*Esheth-Uriyyah*," Urijah's woman. Genesis xxxviii. 8: "*Esheth-Achikha*," the woman of thy brother, viz., Er, who was now dead. Deut. xxv. 5: "*Esheth-hammeth*," the woman of the dead (brother). In Ruth ii. 1, Elimelech is called "*Ish*," the man of Naomi, after he is dead; and in Ruth iv. 10, the Moabitess is called *Esheth-hammeth*, *Esheth-Machlon*, the woman of the dead, the woman of Mahlon. In the New Testament also, the same style is adopted, as in Acts v. 7: "About the space of three hours after his wife came in."

In all these places, the *relationship* of marriage between certain persons is indicated, but not the *condition* or *state* of either marriage or widowhood. There is no difference in construction between the phrases, "*Esheth-Abraham*," the woman of Abraham, "*Esheth-Uriyyah*," the woman of Urijah; "*Esheth-Samson*," the woman of Samson, and *Esheth-Pinechas*," the woman of Phinehas; yet Abraham and Samson were living men, and Urijah and Phinehas were both dead. The phrase is the same in all these passages, and simply denotes the relationship between the two parties. Even in English, we adopt something of a similar style, when we say Mrs. Adam, Mrs. Abraham, Lady Moses, Lady Ross, though these ladies be widows. The relationship simply (between them and their former husbands) is indicated, without reference to the life or death of the husbands—like the Hebrew phrase, *Esheth-Adam*, *Esheth-Abraham*, *Esheth-Mosheh*, *Esheth-Ross*. In the 18th chapter, relationship is assigned as the only reason of the prohibition, and not a subsisting marriage: and the relationship is the same whether the husband be living or dead. Therefore, in the words of Dr. Lindsay, we say, "Nothing but the most culpable ignorance could found an argument upon the use of the word "Wife," instead of "Widow," in the verses at present under consideration." Beyond all question, marriage with the wives of deceased kinsmen is forbidden by the law of Moses.

The relation between man and wife, is said to be a possessive relation, like that of man and house, or it is called a conjugal relation. But in so far as the law makes it a bar to marriage, it is neither the one nor the other of these, but a *relation of kinship*, or a kindred relation. Moses does not speak at all of the relation between man and wife, but of the

relation between man and his kinsmen's wives, between the wife and her husband's relatives. It is not the dead husband and the living wife who are forbidden to marry, but it is the living wife and the living brother or father of the deceased husband. Surely the man must be as blind as a bat, who does not see that this relation lasts as long as the lives of the parties concerned. The marital relation continues while the husband and wife live, and it ceases at the death of either party. In like manner, the relation of kinship, between the wife and her husband's brother, continues during the lives of both, and it can only cease at the death of either. A man may voluntarily enter into relationships which he cannot dissolve; he may form relations that cannot be abolished by any power in the universe. The original formation of the relations depended entirely upon his will, but when once formed, it is beyond his power to annihilate them. In the nature of things, it is impossible to do so. For instance, the relation of father and son depends upon the father's will, but when once formed, it cannot be dissolved. The relation also of brother and sister depends upon the father, but the father cannot abolish it in his life, or by his death. So also the relation between a woman and her husband's brother depends upon the will of the husband for its original formation, but he cannot rescind it during his life, neither shall it terminate at his death.

There is no *virtual implication* of tense in the Hebrew *construct state*, when employed to express a *personal* relation, signifying a relation of *kinship*, as in the law under discussion. If Bath-sheba were to say, "*Anokhi Esheth-Uriyyah*," I am the wife of Urijah, it would be understood as indicating her relation to her former husband. Isaac might say, "*Anokhi Ben-Abraham*," I am the son of Abraham, after his father's death, and who would be deceived or misled by such a form of expression. And if Archelaus had said of Glaphyra, "*Esheth-Akhi Hi*," she is my brother's wife, he would be understood as signifying that she was his near kinswoman. The expression would denote the *relationship*, and not the *fact* of her being the wife of Alexander, his brother; and this is what Josephus intends, when he informs us that Archelaus married his brother's wife, which was considered a detestable thing among the Jews. In accordance with the genius of the Hebrew, the law speaks of wives, whether in a state of marriage or widowhood. It does not speak of widows at all in this connection.

3. In the third place, we shall advert to the objection which maintains that death terminates all relations formed by



marriage, and consequently the affinity arising out of marriage ceases at death. Here let us apply Dr. Franklin's axiom, and see how it will work. Death terminates relations of every kind, those arising out of consanguinity, as well as those formed by marriage. It separates father and son, mother and daughter, brother and sister, as well as husband and wife. According to the objector, since death separates husband and wife, there can be no relation between a widow and the brother of her deceased husband. In that case, there can be no lawful impediment, on account of relationship, to prevent them from being married to one another. But death also separates parents and children: hence, according to the theory which we oppose, there can be no relation between the children themselves after the death of both the parents, seeing it was through the parents that they became related at first. And if there be no connection between them, there can be no lawful impediment, on account of relationship, to prevent brothers and sisters from marrying each other. The true theory is, that death terminates all relations between the living and the dead, but it does not separate between the living relatives themselves. It does not annihilate the relationship between them. The degrees of kindred between the living stand unaffected by death, as if it had never happened. Death dissolves the marriage tie, which binds a certain man to a particular woman, or a certain woman to a particular man; but it does not dissolve nor annihilate the relationship or affinity formed between living persons, arising out of the marriage of the parties.

This principle is recognised in Scripture, as may be seen by referring to the book of Ruth. Elimelech is still called "*Ish*," the man or husband of Naomi, after his death; and Mahlon and Chilion are called her sons—Ruth i. 5. Naomi is called the "*Chamôth*," mother-in-law of Ruth, after the death of Mahlon—Ruth i. 14; ii. 11, 19; iii. 6, 17; and Ruth is called the "*Kallah*," daughter-in-law of Naomi, when her husband was no longer living on earth—Ruth i. 6, 7, 8, 12, 22; ii. 20; iv. 15. Orpah is called the "*Yëbhémêth*," sister-in-law of Ruth, after the death of their husbands, who formed the relation between them—Ruth i. 15. In Deut. xxv. 5,\* the

\* Was it not on account of relationship that the living brother was obliged by the law to marry the wife of his deceased brother, who died childless? If there existed no relationship between him and the widow more than any other woman, why was he compelled to marry her, and raise up children to his brother, and not to his self? Why was he not left at liberty to marry any woman he pleased? This law proves that the relation between the living continues after the death of the party by whom it was originally formed.

brother of the husband who dies is called "*Yābhām*," brother-in-law to the widow, the wife of the dead brother; and the widow is called "*Yēbhēmēth*," sister-in-law to the living brother of the deceased husband. In 1 Sam. iv. 19, Eli's daughter-in-law is called the wife of Phinehas, and the "*Kallah*," daughter-in-law of Eli, after the death of her husband. Eli is also called her "*Chām*," father-in-law, and Phinehas is called her "*Ish*," husband. In Gen. xxiv. 67, Sarah is called the mother of Isaac, and in Gen. xliii. 29, Rachel is called the mother of Joseph, long after they were both dead and buried. Asahel is called the brother of Joab—2 Sam. iii. 27; Aaron, the brother of Moses—Num. xxvii. 13; Abel, the brother of Cain—Gen. iv. 9; and Lazarus, the brother of Martha and Mary—John xi. 23—after they were all dead. In Ruth ii. 1, Boaz is called a kinsman of Elimelech, long after the death of the latter; and in Ruth ii. 20—iii. 9, he is called the kinsman of Naomi and Ruth, when Elimelech and Mahlon, who formed the link of connection between them, were both dead long ago. These texts are sufficient to prove that death does not dissolve relationship or affinity arising out of marriage. Though the person who formed the relationship dies, the relationship itself, formed by marriage, between the living still continues; and those connected by such a relation do still recognise one another, and are recognised in Scripture as kinsmen, or near relatives.

This principle is clearly established in the 18th chapter of Leviticus. In the 6th verse, the general principle is laid down: "None of you shall approach to any that is near of kin to him to uncover their nakedness." Then specimens are given of the relationship referred to. First of all, the mother is mentioned as the nearest relative, and the foundation of all kindred; then the father's wife as being *in loco matris* and equivalent to the mother. Surely it will not be asserted by any one, that a man is prohibited from marrying his mother only during the life-time of his father: but after his father's death, he is allowed to do so, if he pleases; and if not, by what process of reasoning can it be demonstrated, that the prohibition of marriage with the step-mother is only in force during the life-time of the father? There is no exception nor reservation in the text. The language is general, and the prohibition is universal. The nakedness of the father's wife, whether she be the natural mother or the step-mother, is called the nakedness of the father, and on that ground she is forbidden. It is true in the case of the mother, there is the additional reason stated why a man is forbidden

to marry her, viz., the fact that she is his natural mother. "She is thy mother." But the relation to the father in both cases is the same, and in so far as this relation is a reason for the prohibition, it is the same also.

Again, the father's sister is forbidden, because "she is the '*shēēr*,' flesh, of thy father," and the mother's sister because "she is the '*shēēr*,' flesh, of thy mother;" and in chapter xx. 19, a man is forbidden to take any of these relatives, because "they are '*shēērō*,' his own flesh." The uncle's wife is also called aunt, and stands in the place of a father's or mother's sister. On that account, a man is prohibited from marrying her because her nakedness is said to be the nakedness of his uncle. But the sister of the father or mother does not cease to be the *flesh*, the kinswoman, of the father or mother, after the father and mother's death. How, then, can it be maintained that the uncle's wife ceases to be the aunt by the death of the uncle? She is as much the flesh or kinswoman of the deceased uncle, as the living sister of the dead father or dead mother, is the flesh of these relatives. The same reasoning may be applied in the case of a sister and a brother's wife; and in that of a daughter and a son's wife.

All these come under the general designation of nearness of kin. They are particular specimens of the relationship intended by the law. A man is prohibited from having any connection with the wives of certain relatives; but it does not say whether these relatives are dead or living. All that is stated is, the relation in which they stand to these kinsmen: and because they are in such a relation, a man is forbidden to approach them in marriage. The presumption is that the kinsmen are dead. The phrase "*Esheth-Achikha*," thy brother's wife, in Gen. xxxviii. 8, is equivalent to the phrase "*Esheth-Achikha*," thy brother's wife, in Levit. xviii. 16; but in the former place, Er, the brother of Onan, is known to be dead, yet the relation stands as it was. The construction merely points out the relation, and is equivalent to the Greek phrase, "the woman of thy brother," in Mark vi. 18. The same may be said of the phrases, "thy father's wife," "thy father's brother's wife," as well as of "thy son's wife." This latter is called "*Kallathekha*," thy daughter-in-law, and, in the case of Ruth, the term "*Kallah*" is applied to her, after the death of Mahlon, her husband, to indicate her relationship by affinity to Naomi. How, then, can it be proved that it may not be so applied also in Levit. xviii. 15? In like manner, the wife of thy father's brother is called "*Dôdhâthekha*,"

thy aunt (thy female uncle, for it is the feminine form of "*Dôdh*," which signifies uncle). The term is also used to signify the father's sister, for Jochebed is called "*Dôdhâh*," aunt of Amram—Exodus vi. 20, because she was "*Bath-Levi*," the daughter of Levi, born to him in Egypt. Num. xxvi. 59, Ex. vi. 20 and the sister, or the half-sister, of Kohath, Amram's father. Moses was thus the grandson of Levi by the mother, and the great-grandson by the father's side. The uncle's wife and the father's sister are called by the same name, "*Dodhah*," or Aunt, which proves that they are looked upon as standing in the same relation to a man, and are equally forbidden to be taken as wives. But the relation of aunt, the father's sister, does not depend upon the father's life. She is aunt after the father's death, as well as before it, and she is forbidden because "she is '*shêrô*,' his own flesh," as well as "*shêr-Abikha*," thy father's flesh." By parity of reasoning, the relationship of "*Dodhah*, aunt, the uncle's wife, does not depend upon the life of the uncle. She is aunt after his death, as well as before it, and she is forbidden to a man on the simple ground of relationship alone.

Much stress is laid by a certain class of objectors, on the words of the Apostle in Rom. vii. 2, concerning the freedom of the wife after the death of her husband. "She is bound by the law to her husband as long as he liveth; but if her husband be dead, she is loosed from the law of her husband." These words are quoted to prove that death dissolves relationship formed by affinity. But the reasoning is fallacious, and the passage has no bearing on the subject at all. The Apostle does not expound nor lay down the law of marriage; but he illustrates a man's relation to the covenant of works, by an analogy borrowed from the marriage law. The marriage affinity question is foreign to his purpose, and to force it in here completely destroys the analogy. It proves too much, and therefore proves nothing. If the inference be that a widow is at liberty to marry the nearest of kin to her deceased husband, then the soul freed from the legal covenant is at liberty to seek, accept and give itself up to whatever is nearest of kin to the law, its former husband, the very point which the Apostle meant to deny. His words prove that the connection between a woman and her husband is dissolved by death, but says nothing of the relationship between a woman and her husband's relatives. She may be married to another man, but she cannot marry her own father or brother, or son; neither can she marry the father, the brother, or the son of her husband. Paul does not say

she is loosed from *relation* to her father-in-law, nor to her brother-in-law, nor to her husband's uncle; but she is loosed from the *law* of her husband, because he no longer exists on earth to claim her as his wife, and there are no marriage relations in eternity, the necessity for such being abolished by the eternal existence of the individuals. We may therefore turn the objector's battery upon himself, and reverse the analogy. As the soul released from the law is forbidden to seek marriage with what is a kin to her former husband, *i. e.*, the legal covenant, so also a woman must be forbidden to seek or accept marriage with the near kinsman of her deceased husband.



## CHAPTER V.

### THE KINSMEN'S WIVES SHOWN TO BE WIDOWS.

Having proved that the phrase "thy father's wife, or thy brother's wife," indicates relationship or kindred, and for anything that appears in the construction of the words may signify the wives of these kinsmen, whether they be dead or living, we now advance a step further, and maintain that these kinsmen must be dead, as will appear by a careful examination of the context.

1. In the first place, we find it stated in chapter xx. 10: "The man that committeth adultery with '*Esheth-ish*,' a man's woman—that committeth adultery with '*Esheth-Rehū*,' his neighbour's woman," the adulterer and the adulteress shall surely be put to death. This is enough; the law is plain and intelligible to all men. "*Esheth-ish*," "the woman of a man," is a universal term signifying a married woman, and includes the wife of a man's father, or brother or son, as well as the wife of any other living man. Why then have we these needless repetitions in the 11th and 12th verses, if we are to believe that the father and the son are both living? "He that lieth with his father's wife, both of them shall surely be put to death." "And if a man lie with his daughter-in-law (his son's wife), both of them shall surely be put to death." If nothing more is meant in the 11th and 12th verses than criminal connection with the wives of kinsmen who are now living, we stoutly maintain that the case is already clearly

covered by the law of the 10th verse, for a man's father and son come under the general designation of "*Ish*," *man*, as well as any other person; and they are as much his "*Rêim*," friends or neighbours, as any other of the human race. Why then should *they be* specifically repeated more than any other, if it be not on account of relationship? In that case it is the same thing, whether they are living or dead, because the relationship stands; and the man who approaches the wife of his deceased father, or his deceased son, is guilty of an abomination to be punished with death, equally with him who is guilty of violating the wife of a living neighbour. If this be not the meaning of the text, the sacred writer is guilty of a useless tautology, without reason or sense, and not only so, but of writing also in language that may be misunderstood. But this is impossible, because Moses wrote under the guidance of Infinite Wisdom. Indeed "Jehovah Himself spake unto Moses, saying, Speak unto the children of Israel and say unto them, I am Jehovah, ye shall keep my statutes." It is, therefore, evident that the wife of a father, or the wife of a son, is forbidden on the ground of relationship alone, which is altogether different from the reason of the prohibition in the 10th verse, viz.: the fact that the woman's husband is living at the time. In the same manner it may be shown that the prohibition in reference to the wife of an uncle, or the wife of a brother, necessarily implies that these kinsmen are dead; for they are men and neighbours as much as any other person, and to violate their wives, when they themselves were living, was punishable with death, according to verse 10, whereas they are only condemned *to be* and *to die* childless, according to the law in verses 20 and 21.

2. But, in the second place, it is evident that the kinsmen, whose wives are forbidden, cannot be in life, because all the other females specified in chapter xx., after the 10th verse, exclusive of these kinswomen's wives, are clearly known to be single or unmarried women: that is, women without husbands. The step-daughter, the sister, the father's sister, the mother's sister, are mentioned, without reference to their having any husband at all. These are forbidden solely on the ground of relationship. Another class of kinswomen are prohibited clearly on the same ground. By what logic, then, can it be proved that the one class of kinswomen must have living husbands, while the other class do not necessarily need to have them at all? If it be said, the one class is related by consanguinity, while the other is related only by affinity, we reply that this will not hold true, for there is no consan-

guinity between a man and his step-daughter, or between a man and his mother-in-law; yet, by the law of the 14th verse, the man who married a woman and her daughter, is guilty of wickedness of such a heinous nature, that both he and they shall be burnt with fire. If it be said that the wickedness consisted in having the mother and daughter as wives at the same time, we reply that this will not explain the difficulty, for polygamy was tolerated, or at least practised, under the ancient Dispensation; and if so, we ask what rendered it a greater wickedness to have the mother and daughter as wives at the same time, more than any other two women who were not related at all? Was it not the fact of their being kinswomen? And was not this the reason why they were punished with such terrible severity, while the man who married two other wives, not related to each other, was not punished at all, neither he nor they? The argument from affinity, therefore, will not hold good. Consanguinity and affinity are both equal as reasons to bar marriage. Hence, the man who uncovers the nakedness of a woman and her daughter, according to chapter xviii. 17, or who takes a woman and her mother, according to chapter xx. 14, is guilty of wickedness, because he marries kinswomen too nearly related, and not because he marries the wife and daughter of another man who is still in life. Unquestionably, the first husband of the mother, the father of the daughter, must be dead, otherwise the man who married the wife would have been put to death by the law of the 10th verse, concerning adultery; unless it be asserted that the wife was a divorced woman, or one that was never married, in which last case, her daughter was illegitimate. But if this view be adopted, it will serve our purpose equally well; for our present position is that the mother and daughter are both without other husbands, and that the sole reason why a man is forbidden to marry them both, either together or successively, is nearness of kin, or relationship. Therefore, if these women must be held to be single, or unmarried, when supposed to be taken for wives, how can it be proved that the wives of the other kinsmen mentioned are not also in a single state—that is, in a state of widowhood, because their husbands are dead, or in a state of separation, because they may have possibly divorced them?

3. *Thirdly*, It is evident that relationship is the sole reason of the prohibition, from the terms used to describe or characterize the nature of the sin committed. To take a woman and her daughter, according to chapter xviii. 17, or to



take a woman and her mother, according to chapter xx. 14, is said to be "*Zimnah*," wickedness, an evil contrivance, a mischievous crime. To take a brother's wife is called "*Niddah*," an unclean thing, a foul impurity, an abominable crime. To take a sister, by the father, or by the mother, is "*chesed*," a wicked thing, a disgrace, a shameful action. And if a man lie with his daughter-in-law, it is called "*Tebhel*," confusion, foul pollution, profanation, the very term used to characterize bestiality in chapter xviii. 23. From these descriptive epithets employed to characterize the horrible nature of the sin, it is evident that something more heinous and more abominable than ordinary cases of fornication, or simple adultery, must be intended. And what can that be but incest? And the ground of the aggravation, and the heinousness of the sin, is based upon relationship or nearness of kin. And this relationship is equally grounded on affinity as well as consanguinity. For it is confusion, foul pollution, like *vile bestiality*, to take a daughter-in-law to wife, and yet the relation is only based on affinity. Therefore, as we have formerly shown that death does not destroy the relationship, it makes no difference whether the kinsmen, whose wives are forbidden, be living or dead. In the eye of the Divine Law, the crime is the same. Relationship, and not an existing marriage, is the only reason assigned by the Law-giver for the prohibition.

4. *Fourthly*, we maintain that relationship is the foundation of the prohibition, because, among all the objects forbidden in these two chapters, whether male or female, rational or irrational, there is not found an helpmeet for man, there is not one that can be lawfully taken as a wife. They are all unlawful, they are all forbidden objects; and they are all classified together as beings from which every man is bound by the law of God to keep at a distance, and debarred from having any connection whatever with them in the manner supposed. Look at the 18th Chapter, and the very first person prohibited is the mother; she can never be anything else to a man than a mother; she can never be lawfully taken by any man for his wife. Nature itself revolts against such an idea. So with regard to the sister, the aunt, and the son's daughter. Look again at the 20th Chapter, the first person specified there is the neighbour's wife. She cannot be lawfully taken by any person for his wife, while her own husband lives. And in the whole catalogue of women specified in either of these two Chapters, not one can be found whom a man may lawfully marry. His condition with

them is similar to that of Adam in the Garden of Eden when surrounded by the cattle and the fowls of the air ; there was not found an helpmeet for him among them all. But it is lawful for an unmarried man to marry any single woman except she be too near of kin to him. These women, however, are forbidden and we know that some of them at least are unmarried ; therefore they are forbidden on the ground of relationship or nearness of kin. The whole of them, also, are specified as a class ; we are not informed in what condition or state they are forbidden, and in what condition they may not be forbidden. It is not said they are forbidden while their husbands live, but they are not forbidden when their husbands die. We conclude, therefore, that they are forbidden in every condition, whether in marriage or in widowhood, and they are forbidden solely on the ground of relationship, because we have seen it would be a useless tautological repetition to forbid them on the ground of being married to other men, inasmuch as this case had been already provided for in the law of the tenth verse.

5. *Fifthly*, it is evident that the kinsmen referred to are not living when we bear in mind that the Hebrew term "*Ish-shah*" signifies "woman" only, and not "wife or widow" in any sense ; and it means "wife" only when connected with a noun or pronoun denoting a person of the opposite sex. "The relation of *wifehood* is suggested, not by the mere word, but by its connection with a succeeding genitive denoting man." When used, however, in connection with a noun signifying kinsman as a bar to marriage, it points out the *relationship* rather than the *state of wifehood*. In regard to a neighbour's wife the law says "Thou shalt not lie carnally with her," not "Thou shalt not take her as thy wife, nor marry her ;" but in regard to a brother's wife it says, "If a man take his brother's wife." There is no marriage implied in the former phrase, simply because marriage is impossible with a neighbour's wife while her husband lives. But in the latter phrase the idea of marriage is contemplated from the use of the word "*lakach*," "*take*," which is the Hebrew term to denote marriage. This necessarily presupposes that the brother is dead, because it is legally impossible for a woman to be married to two living men at the same time. The prohibition of marriage with her would be altogether needless while her first husband was in life, but the case is altered when he dies ; therefore the law is clearly a prohibition of marriage between a man and the wife of his deceased brother. The change in the phraseology of the law necessarily implies

this. It is a case in which marriage might otherwise take place were it not on account of the relationship.

When it is attempted to prove that the law does not forbid marriage with the widows of kinsmen, from the inheritance of the royal harem, the argument is unworthy of a Christian commentator. A Turkish sultan, or a Persian monarch might have such an inheritance, but it was unlawful for the kings of Israel to keep a harem at all. The law said expressly, "Neither shall he multiply wives to himself, that his heart turn not away." Deut. xvii. 17. If David and Solomon practised polygamy, they did so in open violation of the Divine law. God's saying, that He "gave" David his master's wives, does not justify David's polygamy, any more than His saying, that He "gave the land of Egypt" to Nebuchadnezzar, justifies the cruelties and the aggressive wars of the Babylonian monarch. There is no evidence to prove that David took his father-in-law's wives, for we read of no more than one wife of Saul whose name was Ahinoam, she being probably the mother of Michal and Jonathan. It is not likely that David would marry his mother-in-law contrary to Leviticus xviii. 17, xx. 14. Saul had also a concubine called Ritzpah, whom Abner took to himself as a wife. There is nothing found in the Scriptures which proves that the Hebrew kings had anything whatever to do with the wives of their fathers, except when they did so against the law of God. Absalom indeed, a young man of consummate villany, lay with his father's concubines, but his act of shameless wickedness ought not surely to be quoted for a precedent. In defiance of the law of God, and even of common decency, he committed his abominable crime in the most public manner.

The law of the Levirate was an exception to the general law, enacted for a specific purpose, and when that purpose had passed away the exception ceased and the general law remained; just as the sons of Adam were obliged to marry their sisters in obedience to the command of God; but would any one argue from hence that it is lawful now for a man to marry his own sister?

## CONCLUSION.

The question may now be fairly asked, What is the foundation of the law of incest even as applied to blood relatives? Is it on physiological grounds that the law is established? We answer no; the ground is moral rather than physiological; for indeed the Scriptures do not recognise the physiological argument at all; it is not even mentioned by Moses. The reason is to prevent by a sense of law, operating with all the power of a natural instinct, the occurrence of illicit intercourse *within families*, where facilities and opportunities are so frequent, that it could scarcely be prevented otherwise. It is highly expedient that those who are so much together in youth, living frequently in the same house, should be taught by such a restriction to look upon all intercourse as forbidden. The near relatives of wife or husband occupy very much the same social position as one's own; and the safeguard afforded by a law of incest is therefore required in their case as well as in the other. It is essentially necessary to surround the purity of domestic life with such safeguards as would foster in the minds of near relatives a deep sense of the horrid vile-ness of all these sins. Such a safeguard is the the abhorrence of incest extending to the near relatives of both parties, thus embracing the kinship of affinity as well as the the kinship of consanguinity.

It is also very desirable and proper that relationship should be diffused by intermarriages, to prevent an unsocial separation of families, and this is the tendency of these laws. One of the intentions of marriage is the enlargement of friendship. As Matthew Henry says, "If every man married his own sister, (which they would be ready and apt to do if it were lawful,) each family would be a world to itself, and it would be forgotten that we are members one of another." God intended that by marriage the human race should be bound together in the bonds of a common brotherhood. He has therefore forbidden those near relatives to marry that they might look beyond the inner circle of their immediate connections to their brothers and sisters on the outside, so as to extend their brotherly love towards all their fellow men. In addition to this the prohibitions of the law are highly reasonable in themselves. The institution of marriage was designed

to unite those who were not before united ; two are to become one flesh ; therefore those who were already in a sense one flesh by nature could not without the greatest absurdity become one flesh by marriage.

Moreover these laws have their foundation in the fifth commandment, the general scope of which is the performance of those duties which we mutually owe in our several relations as inferiors, superiors or equals. According to Matthew Henry, " No relations that are equals are forbidden to marry, except brothers and sisters, by the whole or half blood, or by marriage, legitimate or illegitimate. Marriage puts an equality between husband and wife ; therefore if those who before were superior and inferior should intermarry, (which is the case in most of the instances laid down,) the order of nature would be taken away by a positive institution, which must by no means be allowed. The inequality between master and servant, noble and ignoble, kings and subjects, is founded in consent and custom, and there is no harm done, if that be taken away by the equality of marriage ; but the inequality between parents and children, uncles and nieces, aunts and nephews, either by blood or by marriage, is founded in nature and is therefore perpetual, and cannot without confusion be taken away by the equality of marriage, the institution of which is subsequent to the order of nature." The marriage of such superiors and inferiors is therefore to be abhorred as vile and wicked. It has something in it at first sight revolting and unnatural in the extreme, and is destructive of all authority and subordination, which are of the greatest importance to society. Nature itself teaches that all such marriages are to be avoided, and these are the cases which are forbidden.

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